

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
XTREME MOBILE INC.,

Plaintiff,

-against-

DETROIT PHONE CARDS INC. D/B/A
OMOBILE,

Defendant.

: **ECF CASE**
(Electronically Filed)

: 07 Civ. 9528 (HB)

: **NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the annexed declaration of Kathryn L. Barcroft dated March 27, 2008 (the "Barcroft Dec.") and the exhibits thereto, and all prior papers, pleadings and proceedings herein, plaintiff Xtreme Mobile Inc. ("Xtreme"), by its attorneys, Cohen & Gresser LLP, will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 23B, New York, New York 10007 at a date and time convenient to the Court, for an order (1) pursuant to Fed. R. Civ. P. 15(a), granting to Xtreme leave to file its proposed First Amended Complaint in the form annexed as Exhibit F to the Barcroft Dec., and (2) granting such other and further relief as this Court deems just and proper. The proposed First Amended Complaint seeks to join Rami Chahine as an additional defendant, and to add claims for defamation; tortious interference with contractual relations; tortious interference with business relations; common law unfair

competition; common law conversion; violation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030; and violation of the Stored Communications Act, 18 U.S.C. § 2701, *et seq.*

Dated: New York, New York
March 27, 2008

COHEN & GRESSER LLP

By: _____ /s/

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